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Human rights situation in Palestine and other occupied Arab territories

Joint written statement* submitted by the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), Indian Movement "Tupaj Amaru", International-Lawyers.Org, IUS PRIMI VIRI International Association, Union of Arab Jurists, non-governmental organizations in special consultative status, International Educational Development, Inc., World Peace Council, non-governmental organizations on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[28 May 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Occupied Palestinian Territory Occupation - No End in Sight*

In recent years, the human rights situation in Palestine and other Occupied Territories have continued to deteriorate. Additionally, measures taken and activities administered against the people of Palestine indicate that a peaceful resolution to end the conflict is slipping away.

Embassy Relocation to Jerusalem

On 6 December 2017, the United States of America (US) President Donald Trump confirmed his decision to relocate the US Embassy from Tel-Aviv to Jerusalem. Aside from drawing anger from people across the globe, it served as a symbolic political demonstration that the US and other countries who supported the move would recognize Jerusalem as the official capital of Israel and thus further distancing Palestine's connection especially towards East Jerusalem. On May 14th the US and some other countries who regularly side with the US in regards to their position on Israel also moved their embassies to Jerusalem. This move is in direct violation of resolution 181 of 29 November 1947 and resolution 36/120 of 10 December 1981 among other UN resolutions with regard to the Holy City of Jerusalem.

It should also be well-noted that the timing to move the Embassy from Tel-Aviv to Jerusalem fell on the eve (14 May) of the 70th Nakba Anniversary (15 May), which shows a complete lack of respect and empathy towards the plight of the people of Palestine. While this move demonstrated that the US and President Trump are no longer, or never have been, honest peace brokers in the Israel/Palestine conflict it does not change the internationally recognized status of Jerusalem. East Jerusalem remains occupied and is still recognized as the future capital of Palestine.

The international community and the Human Rights Council must recall that UN resolutions prohibit any measures taken towards changing the character and status of the Holy City of Jerusalem. Israel has already instituted its so-called 'Jerusalem Closure Policy' by installing checkpoints, constructing a 'Separation Wall', and establishing a permit regime with regard to the city of Jerusalem.

Great March of Return

The 'Great March of Return', the six-week campaign consisting of a series of protests organized by Palestinians to demonstrate against the denial and refusal of Israel to grant Palestinian refugees their right to return, began on 30 March 2018, which also marks 'Land Day'. Since its launch nearly 100 Palestinians have been killed and over 12,000 injured mainly at the hands of Israeli security forces who maintain that their actions have been in self-defence. However, it has been reported that children, journalists, and medical staff are among the casualties. This demonstrates that the use of excessive lethal force and indiscriminate attacks by Israeli forces have transpired.

Palestinians also assembled to protest the US Embassy move on 14 May but were met with further indiscriminate attacks by Israeli forces that resulted in the death of nearly 70 demonstrators and injured close to 1,400 including women and children. Furthermore, live ammunition including rubber-coated steel bullets and tear-gas canisters were administered on unarmed protesters who were shot in the head, limbs, chest and back.

It should be well noted that while some demonstrators managed to throw stones, launch Molotov cocktails, and fly kites on fire, there has been to date no report that these actions posed an imminent threat to Israel nor Israeli soldiers. Thus, the actions by the Israeli forces were excessive and unwarranted contradicting claims that the Israel Defense Forces' (IDF) actions saved lives.

It is with deep regret and dismay that Israel continues to show zero sign of cooperating with its international obligations with regards to the human rights situation in Palestine, and that they have no intention of adopting any resolutions on this issue or abiding by any previous, current, and future UN resolutions regarding its occupation of the Palestinian territory or the human rights situation of the people of Palestine.

Children in Gaza

Reports of the attacks on Palestinian protesters by Israeli forces have brought about thousands of casualties including women, children, and persons with disabilities. Accounts and claims have surfaced that the Hamas organisation also bears some responsibility with regard to the dire situation of children in Gaza and under the occupied territories. As reiterated strongly by the High Commissioner for Human Rights, Mr. Zeid Ra'ad Al Hussein, "children… must not be put at risk of violence or encouraged to participate in violence".

However, despite accounts of children throwing rocks and crossing into the line of fire, this does not constitute as an imminent threat that warrants or justifies the use of deadly force. Furthermore, as the High Commissioner also strongly stated, "children should never be the targets of violence".

Palestinian children have suffered greatly for years under the Israeli occupation according to numerous reports by UNICEF, OHCHR, and other UN bodies. The Gaza blockade along with consistent deadly attacks leaves children to grow and live in serious conflict situations – hundreds of thousands are in trauma and shock, orphaned, permanently disabled, or without homes. Furthermore, education and health facilities and sectors are damaged or destroyed debilitating the health and learning of children in Gaza. Worse still economic blockades prevent children and their families from any sort of recovery1.

Palestinian children are also denied the right to a nationality and family life by the occupying state, Israel. This is a direct violation of Article 7 of the Convention on the Rights of the Child (CRC) and as a result Palestinian children are rendered stateless. Moreover, Israel has regulations that deny registration of Palestinian children under its Article 12 of the Entry into Israel Regulations.

Human Rights Situation in Palestine and Accountability

While the deteriorating situation of human rights in Palestine persists over the decades there is little to no accountability whatsoever against the perpetrators and no justice for the victims under the occupation, which includes continuous demolitions and punitive demolitions, serious human rights abuses and grave violence, and deprivation of basic rights and dignity. It is without a doubt that the justice system is incapable of administering justice and bringing perpetrators to justice as it is witnessed on a regular basis that they enjoy impunity and violations continue to be carried out.

The Council and the international community must bear some responsibility as said violations of human rights and the oppressing system and occupation has been ongoing since 1967. It is thus due time that the Security Council institute Chapter 7 of the UN Charter regarding the Israel/Palestine situation. Similar actions that were taken by the international community to end Apartheid in South Africa must be implemented urgently to end the occupation in Palestine.

Much concern remains regarding Israel's justice system as Palestinian children continue to be detained. As well, the Working Group on Arbitrary Detention restated that civilians must never be tried by military courts as is the case in the occupied territories. Additionally, the High Commissioner has said on several occasions that there is a general lack of accountability and numerous cases of impunity over violations of International Human Rights Law, and International Humanitarian Law by Israeli forces against Palestinian civilians. On this note, the Office of the High Commissioner on Human Rights noted that Israeli policies on the use of force are not in line with international norms and standards thus resulting in lack of accountability.

Conclusion and Recommendations

The serious situation of human rights in the Occupied Palestinian Territories has been long-standing and the recent attacks against Palestinian protesters is not a one-time account. While it should not be taken lightly and is a serious offense by the perpetrators, it should serve to shed light on the occupation of the Palestinian territories by the state of Israel as a whole. The treatment and denial of rights such as the right to life, right to health, right to peaceful assembly and association, and the right to a nationality and family life among numerous others deserves the full attention of the Human Rights Council and the international community at large.

1 https://www.unicef.org/infobycountry/oPt_74620.html

Resolving the long-standing Israel/Palestine tragic situation can only be done with the assistance of the international community and the Security Council. The fact that Israel has violated previous UN resolutions regarding serious human rights situations in the Palestinian territories and its non-compliance and non-cooperation with UN bodies is a worrying indication that Israel is above the law. To this end, the undersigning organizations recommend the international community and the UN Human Rights Council to:

- *Urge* the Security Council to institute Chapter 7 of the UN Charter regarding the Israel-Palestine situation;
- *Urge* the Council to investigate whether Israel is committing genocide against Palestinian people;
- *Compel* Israel to reform its child registration laws in relation to ensuring the rights and nationality of Palestinian children;
- *Ensure* the voluntary right of return of Palestinian refugees and internally displaced persons as well as property restitution, compensation and redress for losses and damages to their lands and homes;
- *Oblige* Israel and other relevant member states to cease all measures taken towards altering the character and status of the Holy City of Jerusalem;
- *Put pressure* on Israel to comply with UN resolutions and cooperate with UN Special Procedures concerning the human rights situation in the Occupied Palestinian Territories.

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*Geneva International Centre for Justice (GICJ), The Arab Lawyers Association-UK, Human Rights Defenders (HRD), The Brussells Tribunal, The Iraqi Commission for Human Rights (ICHR), Association of Humanitarian Lawyers (AHL), Association of Human Rights Defenders in Iraq (AHRD), General Federation of Iraqi Women (GFIW), The Iraqi Centre for Human Rights, NGOs without consultative status, also share the views expressed in this statement.